

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Wayside Drive (5325) Request to Rezone from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District) and Small Scale Land Use Amendment from Public to Low Density Residential

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date 11/15/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request to rezone approximately 2.1 acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District) and the Small Scale Land Use Amendment from Public to Low Density Residential, located on the north side of Wayside Drive, 350 feet west of Woods Trail, per the attached staff report; (Dennis Baldwin, applicant); or
2. Recommend Denial of the request to rezone approximately 2.1 acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District) and the Small Scale Land Use Amendment from Public to Low Density Residential, located on the north side of Wayside Drive, 350 feet west of Woods Trail; (Dennis Baldwin, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Comm. Carey

Tony Walter, Planning Manager

BACKGROUND:

The applicant, Dennis Baldwin, requests to rezone approximately 2.1 acres located on the north side of Wayside Drive, 350 feet west of Woods Trail, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District). The subject property is now designated Public under the Vision 2020 Plan which permits public and private recreation, education and library facilities and public safety and public utility facilities. The applicant is requesting to change the future land use

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2005-052, 10-05SS.01

designation from Public to Low Density Residential which permits up to four (4) dwelling units per acre. The applicant intends to develop four (4) single-family lots 16,800 square feet or larger.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 2.1 acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District) and the Small Scale Land Use Amendment from Public to Low Density Residential, located on the north side of Wayside Drive, 350 feet west of Woods Trail, per the attached staff report.

Attachments:

Staff Report

Location Map

Land Use & Zoning Map

Aerial Map

Plat Map

Master Plan

Developers Commitment Agreement

WAYSIDE DRIVE (5325)

SSLUA from Public to LDR Rezone from A-1 to R-1AAA

| | | |
|---------------------|---|------------------|
| APPLICANT | Dennis Baldwin | |
| PROPERTY OWNER | Venture 32 | |
| REQUEST | Rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District) and SSLUA from Public to Low Density Residential | |
| PROPERTY SIZE | 2.1 ± acres | |
| HEARING DATE (S) | P&Z: November 2, 2005 | January 10, 2006 |
| PARCEL ID | 07-21-29-300-0150-0000 | |
| LOCATION | North side of Wayside Drive, 350 west of Woods Trail | |
| FUTURE LAND USE | Public | |
| ZONING | A-1 (Agriculture District) | |
| FILE NUMBER | Z2005-052 | |
| COMMISSION DISTRICT | #5 – Carey | |

Proposed Development:

The applicant is proposing to develop 4 single-family dwelling units at a net density of 2.0 units per acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Dennis Baldwin, requests to rezone approximately 2.1 acres located on the north side of Wayside Drive, 350 feet west of Woods Trail, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District). The subject property is now designated Public under the Vision 2020 Plan which permits public and private recreation, education and library facilities and public safety and public utility facilities. The applicant is requesting to change the future land use designation from Public to Low Density Residential which permits up to four (4) dwelling units per acre.

| DISTRICT REGULATIONS | Existing Zoning (A-1) | Proposed Zoning (R-1AAA) |
|--------------------------------|-----------------------|--------------------------|
| Minimum Lot Size | 43,560 square feet | 13,500 square feet |
| Minimum House Size | N/A | 1,600 square feet |
| Minimum Width at Building Line | 150 feet | 100 feet |
| Front Yard Setback | 50 feet | 25 feet |
| Side Yard Setback | 30 feet | 10 feet |
| (Street) Side Yard Setback | 25 feet | 25 feet |
| Rear Yard Setback | 10 feet | 30 feet |
| Maximum Building Height | 35 feet | 35 feet |

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

| Zoning District | Permitted Uses | Special Exception | Minimum Lot Size |
|----------------------|---|---|--------------------|
| A-1 (existing) | Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. | Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments. | 1 acre |
| R-1AAA (proposed) | Single-Family dwellings and their customary accessory uses, boathouses and boat docks, home offices, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. | Special Exception such as churches with their attendant educational and recreational buildings, day nurseries or kindergartens, guest or tourist homes when located on state or federal highways, assisted living facilities and community residential homes housing 7-14 permanent unrelated | 13,500 square feet |

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

| | | | | | | |
|---------|--|--|----------------------------------|--|--------|--|
| (North) | | | | | | |
| | | LDR ACLF A-1 N/A | LDR ACLF A-1 N/A | SE ACLF A-1 N/A | | |
| (West) | LDR Cemetery A-1 N/A | PUBLIC Single-Family A-1 | | SE Single-Family A-1 (1.25 acres)(2,500+ sf) | (East) | |
| | LDR Single-Family R-1AAA (26,250 sf lots)(2,300+ sf) | LDR Single-Family R-1AAA (26,250 sf lots)(2,300+ sf) | | LDR Single-Family R-1AAA (26,250 sf lots)(2,300+ sf) | | |
| (South) | | | | | | |

- * **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

The Land Development Code requires the application of the Weighted Method for determining single-family residential compatibility in residential Future Land Use designations. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis supports the requested rezone to R-1AAA.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1AAA district, with a minimum lot size of 13,500 square feet, has a weight factor of 6, while A-1, which requires one-acre lots, has a weight factor of 4.

As stated, A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7. Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number Sanford 539, no portion of the property is located in "Zone A", which is identified as areas located within the 100-year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, no portion of the property contains wetlands.

Endangered and Threatened Wildlife:

A Threatened, Endangered and Species of Special Concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, is required to submit an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

| Public Facility | Existing Zoning (A-1) | Proposed Development* | Net Impact |
|-----------------|-----------------------|-----------------------|------------|
| Water (GPD) | 700 | 1,400 | 700 |
| Sewer (GPD) | 600 | 1,200 | 600 |
| Traffic (ADT) | 19 | 38 | 19 |
| Schools | | | |
| Elementary | 0 | 1 | 1 |
| Middle | 0 | 0 | 0 |
| High | 0 | 0 | 0 |

* Proposed development of 4 lots.

Utilities:

The site is located in the Seminole County service area, Inc. and will be required to connect to public utilities. There is currently a 15-inch sewer force main near

International Drive and 8-inch water main located along Wayside Drive. A water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Wayside Drive, which is classified as a two-lane undivided local road.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately one school-age child. This subject site is currently zoned for, and will affect, the following schools:

| Schools Impacted | Proposed Impact | Current Capacity | 05/06 Enrollment | Percent Capacity |
|------------------------------|-----------------|------------------|------------------|------------------|
| Northwest Cluster Elementary | 1 | 3,955 | 4,148 | 105% |
| Sanford Middle | 0 | 1,507 | 1,522 | 101% |
| Seminole High | 0 | 3,404 | 3,052 | 89.7% |

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 SR 46 West. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Lake Monroe drainage basin. Compliance with the Land Development Code regarding drainage is required prior to the issuance of any building permits.

Parks, Recreation and Open Space:

Single-family residential developments with standard zoning do not require provision of recreational areas and open space. The proposed 4 single-family lots represent a negligible impact on parks.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

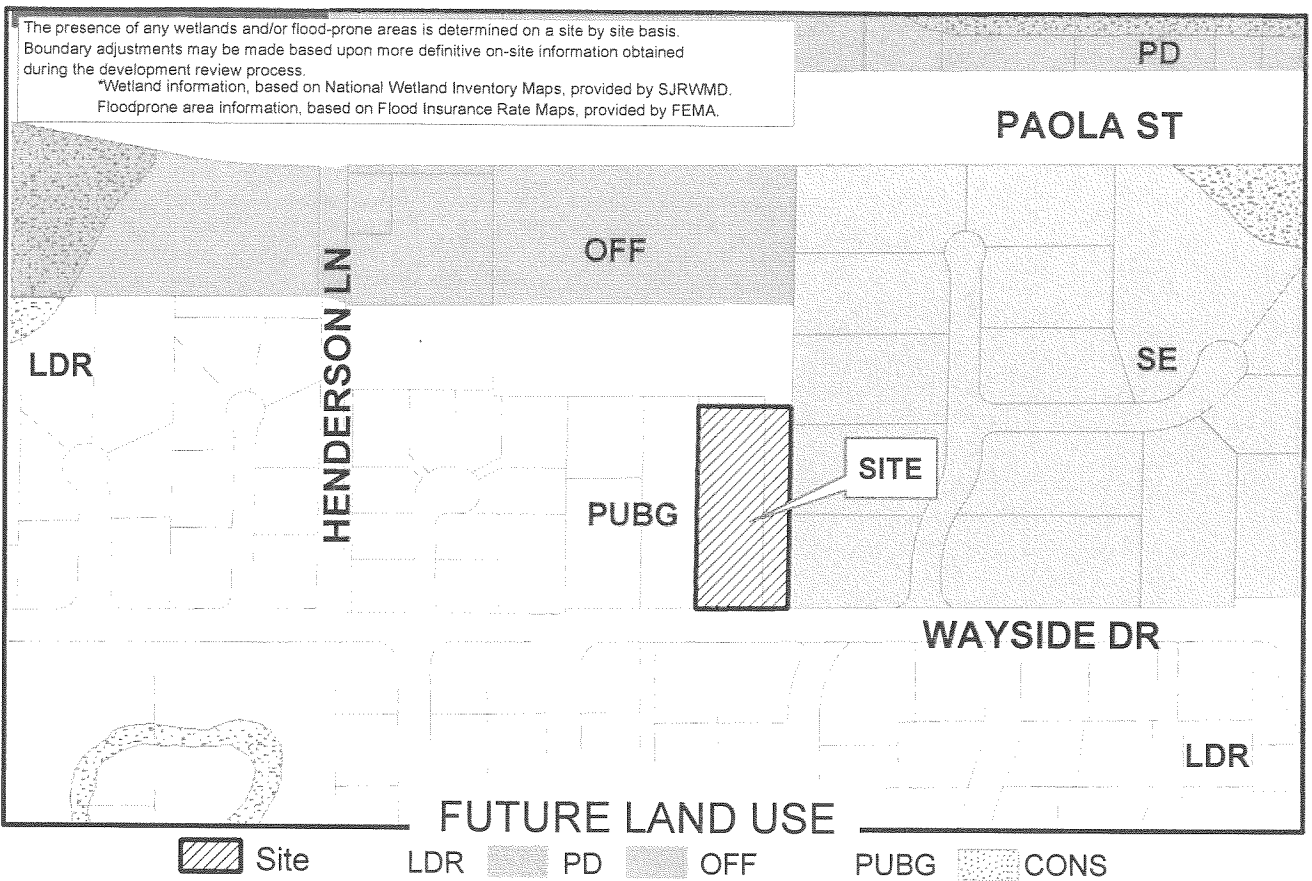
An Intergovernmental notice was sent to the Seminole County School District on October 20, 2005. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition

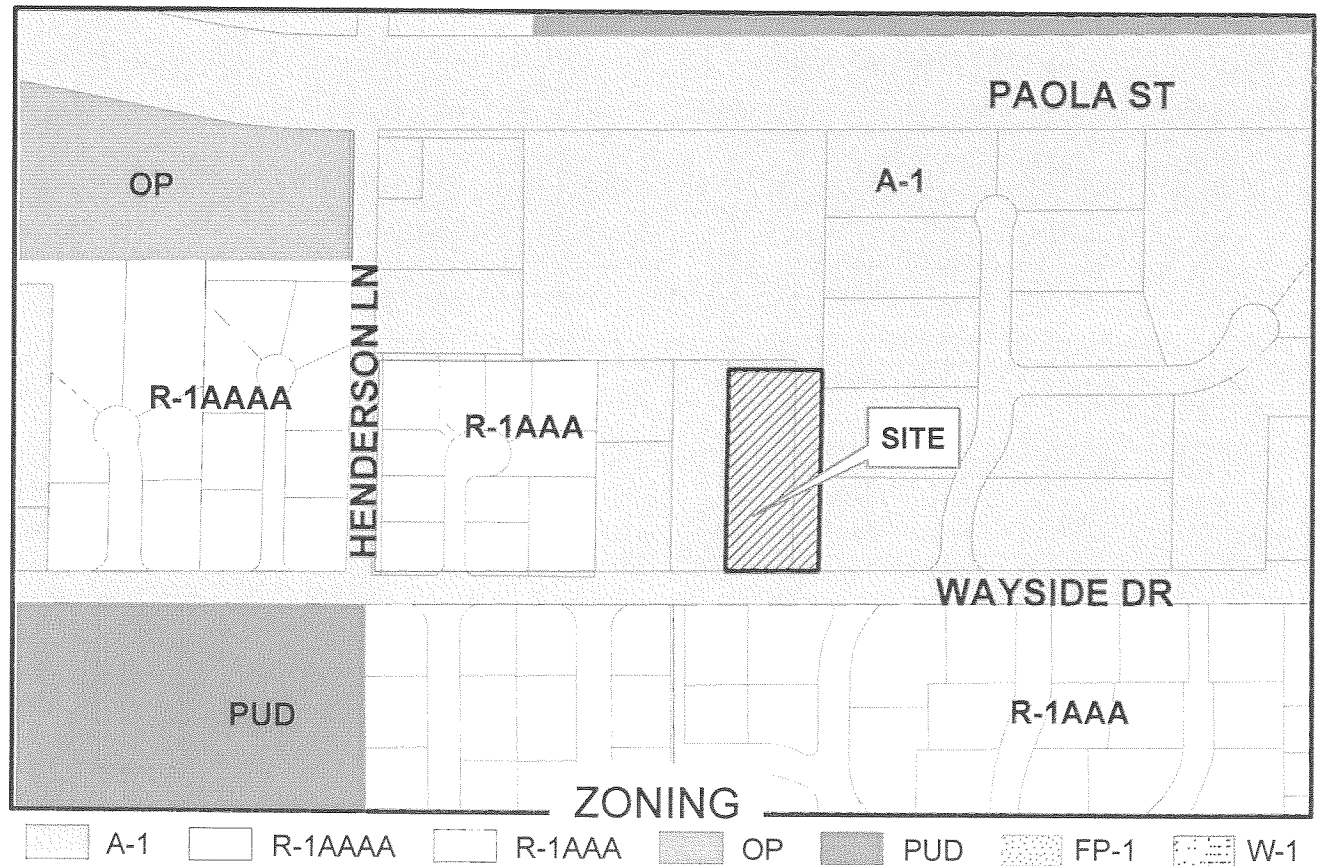
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 2.1 acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling District) and the Small Scale Land Use Amendment from Public to Low Density Residential, located on the north side of Wayside Drive, 350 feet west of Woods Trail.



Applicant: Dennis Baldwin
 Physical STR: 30-19030-300-017A-0000 and part of 002K-0000
 Gross Acres: 2.1 Acres +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|----------|--------|
| FLU | 11-05SS.01 | PUBG/LDR | LDR |
| Zoning | Z2005-052 | A-1 | R-1AAA |



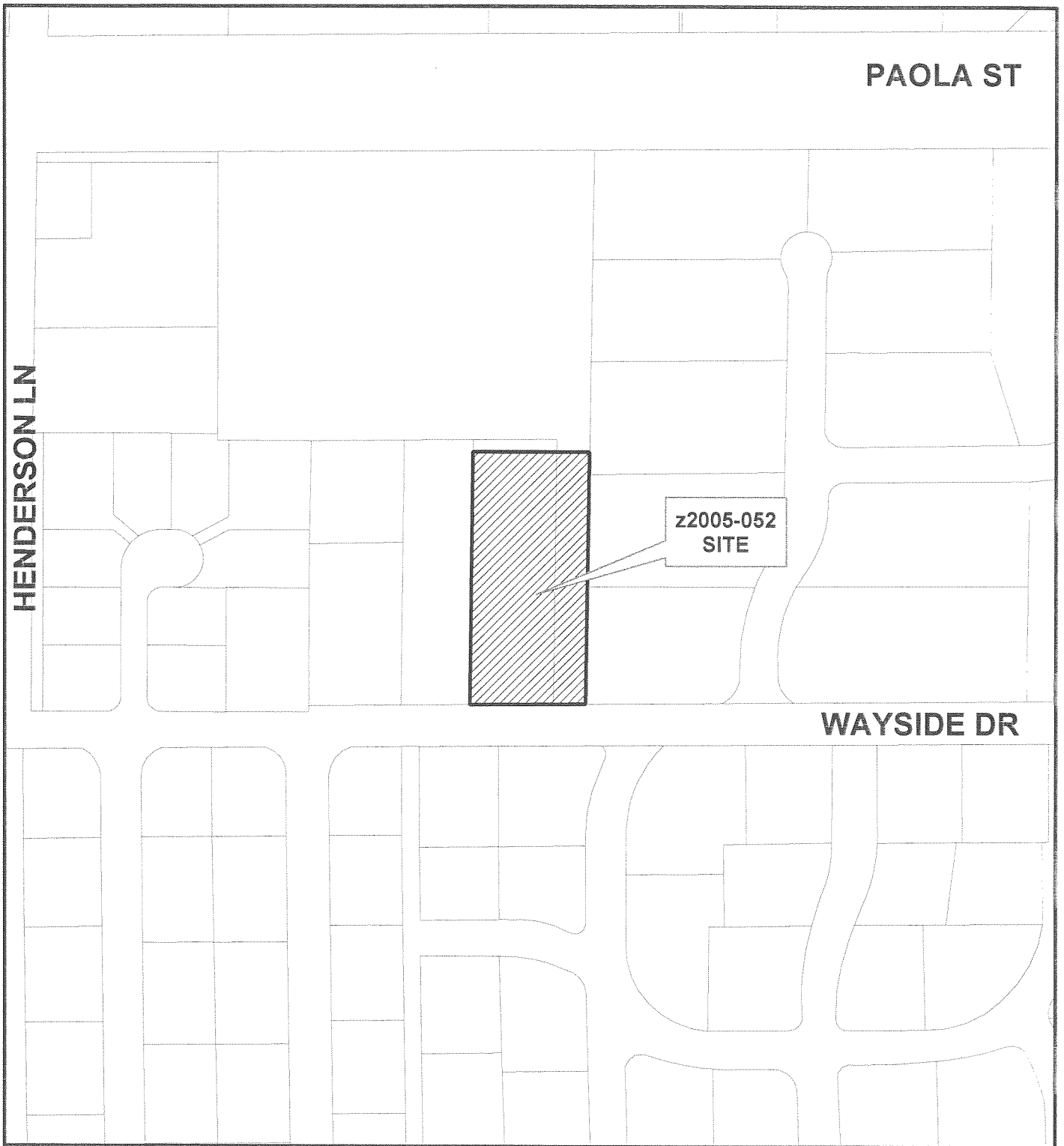


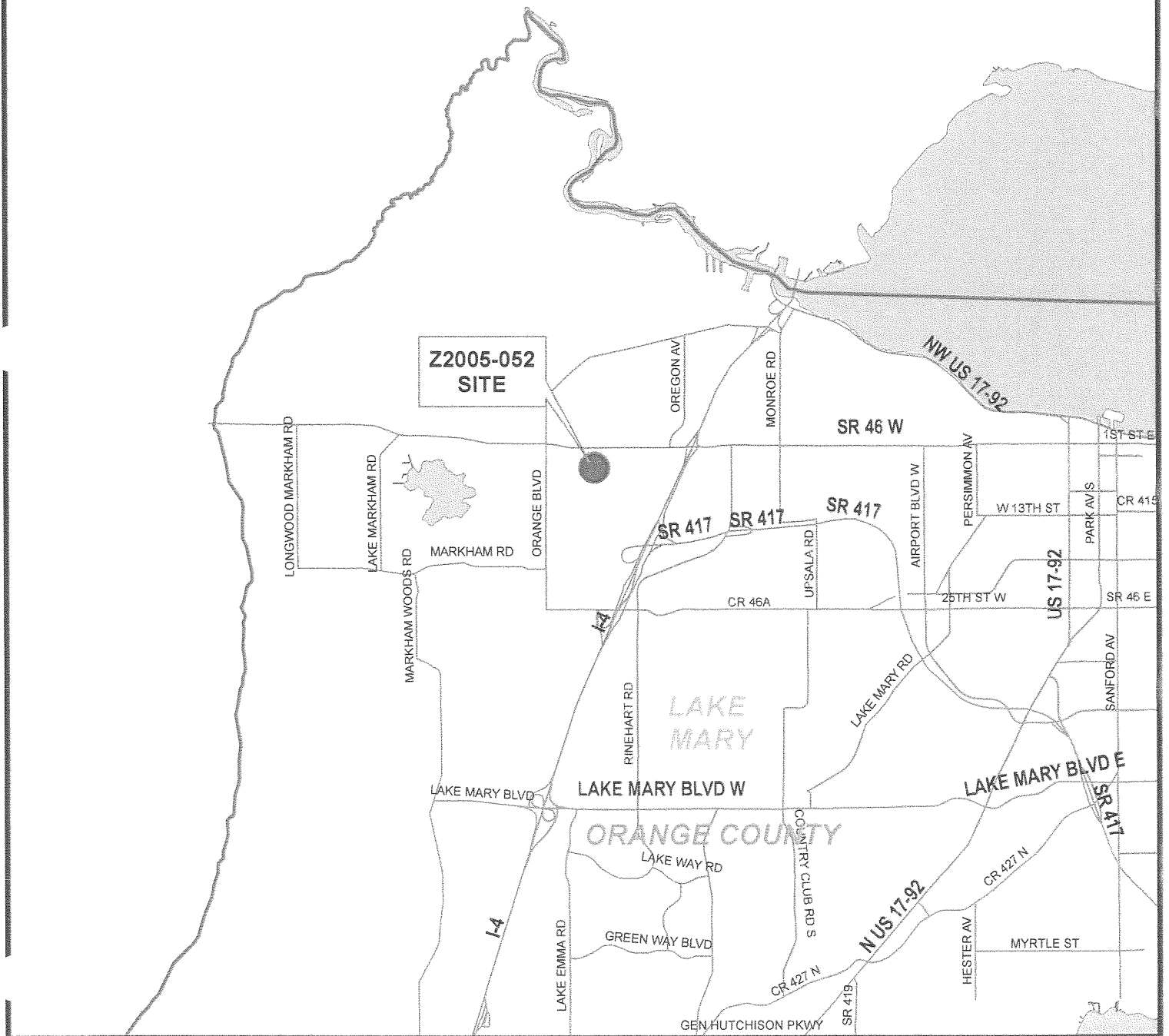
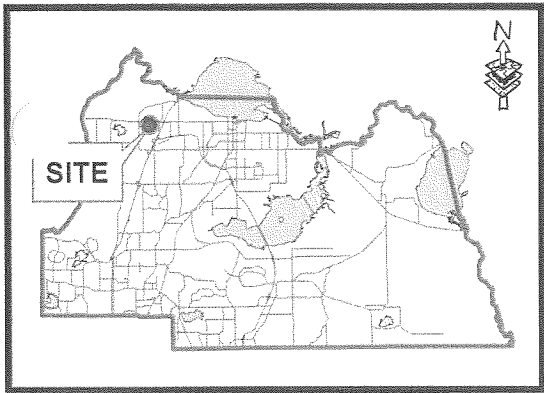
FLU No: 11-05SS.01
 From: PUBG/LDR To: LDR
 Rezone No: Z2005-052
 From: A-1 To: R-1AAA

☐ Parcel
☐ Subject Property



January 2004 Color Aerials





AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURAL) ZONING CLASSIFICATION THE R-1AAA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Wayside Drive (5325) dated January 10, 2006.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (AGRICULTURAL) to R-1AAA (SINGLE-FAMILY DWELLING):

SEE ATTACHED EXHIBIT A

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # in the Official Land Records of Seminole County.

ENACTED this 10th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

(Awaiting digital legal from applicant)

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM PUBLIC TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on November 2, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on January 10, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:**

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Amendment Appendix "A"
(Awaiting electronic legal from applicant)

- (b) The associated rezoning request was completed by means of Ordinance Number 06-XX.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the

Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 10th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:_____

Carlton D Henley, Chairman

APPENDIX A

(_____ TO _____)

(Awaiting electronic legal from applicant)